E.6
2/21/05

Mostardi Platt

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February 21, 2005

Mr. Thomas Geishecker
Acting Chief
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Lyon Workspace Products, LLC (Lyon), Montgomery, Illinois
RRG/Clayton Chemicals Site, Sauget, Illinois
Response to Letter Dated November 22, 2004
General Notice of Potential Liability

Dear Mr. Geishecker:

Please be advised that Mostardi Platt Environmental (MPE) is retained on a continuous basis to manage the environmental affairs of Lyon Metal Products, LLC, 420 North Main Street, Montgomery, Illinois 60538, as it concerns the subject matter.

An in-depth review, evaluation/analysis of the historical documents, file reports, site assessments, manifests, multimedia inspections conducted by the U.S. Illinois Environmental Protection Agency (USEPA), Illinois Environmental Protection Agency (IEPA), Sauget Task Force, and Clayton Chemical has been investigated. MPE believes the record of facts and exhibits submitted will technically support and establish that Lyon, a potentially responsible party (PRP) in the USEPA November 22, 2004 general notice letter, had little or no environmental impairment at the site.

Although Lyon did not participate in the Phase I liquids cleanup, a third-party resolution and monetary settlement was reached in which Lyon denies contributing to the release or threatened release of hazardous substances, pollutants, and contaminants at the above-referenced site, and therefore, would not have an impact on the Phase II soil remediation.

For the record, MPE submits the following for justification for delisting Lyon as a PRP.

Inspection Audits by USEPA and IEPA

1. The IEPA and USEPA conducted inspections on six occasions over the protracted period of time. In each instance, no Lyon containers, drums, or totes were identified. The solvent (toluene) paint flush product was reclaimed and immediately returned to Lyon as

recycled solvent under a bill of lading in commerce. Lyon did not characterize this product as a hazardous waste but a return on investment, a valuable resource conservation management effort, in the spirit and intent of the RCRA Act. The content of the paint flush is estimated at 5 to 10% resin, 90 to 95% toluene. Considering a conventional 90% distillation efficiency =

161,625	= Gallons Shipped (Paint Flush)
-16,162	= Resin Content
145,463	= Gallon Solvent Toluene

145,463	
-14,546	= 10% Residue (Kiln Fuel)
130,917	= Gallons Toluene Reclaimed

Based on the above, Lyon is requesting that proper credits be issued for its regulatory waste minimization efforts and reclassify and adjust Lyon's volumetric ranking to a total of 14,546 gallons, well under the 75,000 gallons volumetric ranking of PRPs.

2. A review of Section 5 – Generators, Quantitative Data of 1979-98, indicates a Lyon total of 250,815 gallons. Lyon records do not concur with this total, and is overstated by 89,190 gallons (exhibit).

3. Roy F. Weston, Inc. (Weston) and Project Resources, Inc. (PRI) were retained under USEPA Superfund Technical Assessment and Response Team (START) Contract 68-W-00-10 to perform a liquid removal site evaluation of drums, tanks, containers, sampling and reviewing the analytical data at the RRG site. All hazcat activities were conducted under the authority of the USEPA on-scene coordinator on June 5 through June 7, 2001. The drum team inventory summaries were found in Table 4-9 through 4-12 of the report. A review of these tables did not indicate and/or identify Lyon product at the site (exhibit).

4. On May 13 and 14, 1997, an inspection was conducted at the subject facility by the USEPA, IEPA, and the American Bottoms Regional Wastewater Treatment Plant. The inspection did not indicate or identify any Lyon drums (exhibit).

5. On May 28, 2003, Enviro-Vac, Jacksonville, Illinois, submitted a bid proposal to the PRP Participation Group to remove the liquid waste inventory. The scope of work (SOW) included liquid removal of all tanks and drums, etc. The drum storage area inventory did not indicate or identify any Lyon drums (exhibit).

6. Lyon contracted with Environmental Waste Services (EWS) to purchase the reclaimed solvent. EWS did arrange for the transport and treatment to Clayton Chemical RRG TSDF facility. The reconstituted product purchased from EWS (broker) was legally in accordance with the RCRA, EPA and OSHA labeling requirements. Lyon was issued a material safety data sheet (MSDS) with each delivery. EWS assumed title custody and responsibility for all paint flush. Lyon did not arrange or pay for the transport and treatment. EWS is a permitted RCRA hazardous waste management facility as defined (35 IAC) 702.110 (exhibit). A certificate of destruction was issued for the residue (exhibit) burned for energy recovery.

7. Under Environmental Waste Services Liability Title 42 – Chapter 103 CERCLA, Subchapter I – Hazardous Substance Releases, Liability Section 9607 Statute (a)(4) states:

   "Any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for —

   (A) All costs of removal of remedial action incurred by the United States Government or a State or an Indian Tribe not inconsistent with the National Contingency Plan," establishes the liability responsibility to the broker EWS.

   There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by (3) an act of omission of a third party other than the employee or agent of the defendant, or than one whose act or omission occurs in connection or indirectly with the defendant.

8. Under Section 9627 – Recycling Transactions (a) Liability Clarification further state:

   "(1) as provided in subsections (b) (c) (d) and (e) of this section, a person who arranged for recycling of recyclable material shall not be liable under Section 9607 (a)(3) and 9607 (a)(4) of this Title with respect to such material. (c)(1)(2)(3)(4)"

   Lyon's contract with EWS was only to purchase recycled solvent in commerce.

There is some documentary information suggesting that the United States and the State of Illinois may have contributed amounts of waste materials at the site. Under CERCLA, where the United States is both plaintiff and PRP, may cash out its liability at the site and agrees to pay its percentage of costs.

History at the Site

Over a protracted period of time (early 1900s to 1998), the site (Clayton/RRG) was utilized by a multiplicity of SIC groups in a heavily industrialized area, all of which involved those compounds of concern (COCs), which have impacted and contributed to the contamination and release that currently exists at the site. Additionally, there are Superfund sites on the perimeter and directly adjacent to the RRG site on the EPA national Priority Cleanup Register under CERCLA program. The entire region is environmentally impaired and is the home of numerous closed solid waste disposal sites, pits, sludge lagoon, and industrial dumping. During the 1960s, historical data indicates soil and groundwater contamination to the Mississippi River from Monsanto Chemical and Krumrich Dump #1.

Other entities associated with the soil contamination are Falling Rock Road, Dead Creek, Sauget-Sauget Dump, Sauget POTW inactive sludge lagoons, former Still Bottoms pit/disposal area, A-1 Waste Oil Storage, Bliss UST Trade Waste Incinerator (TWI), and Underground Pipeline.

Furthermore, GM&O Railroad utilized the site as a maintenance yard, in addition to the I.C. Railroad. Previous owners of the site include Environmental Operations, Inc., Specialty Waste Services, Inc., Emerald Environmental, Village of Sauget, and Northeast Chemical Inc.

As provided in the Hazardous Substance Pollution Contingency Plan (NCR) 40 CFR – Section 300.415, it is incumbent upon the lead agency to conduct an engineering/evaluation/cost analysis (EE/CA) of alternatives which take into full consideration of the total regional remediation area which there exists numerous NPL Superfund sites which all directly and/or indirectly have impacted the soil and groundwater over a 105 year period and should be an integral part of the overall remediation strategy.

Finally, the site is a true environmental justice concern—the typical site for which CERCLA (Superfund) was promulgated, ad to prioritize the site for cleanup using its own environmental restoration appropriations and/or the judgment fund money in accordance with U.S. Department of Justice Directive No. 00-33.

In closing, Lyon did not arrange for the transport and treatment. Lyon did not pay for these services. Lyon did agree to purchase from EWS the reclaim solvent product as part of its Resource Conservation and Recovery Program. An MSDS was issued with each purchase under a commercial bill of lading. Lyon respectfully requests your consideration and approval to delist Lyon as a PRP and/or a de minimus classification.

Please feel free to contact me at 623-975-9565 should you have any questions.

Thank you. I look forward to your reply.

Very truly yours,

MOSTARDI PLATT ENVIRONMENTAL

Philip J. Molé
Vice President

Attachments: Exhibits

cc: William E. Muno, Director Superfund USEPA
R. P. Washington, Lyon
D. Harrison, Lyon
J. Gosselin, Lyon
P. Kinnally

Table 4-9 (Continued)

DRUM DOCK BUILDING INVENTORY - DRUM CONTAINER SURVEY
CLAYTON CHEMICAL SITE ANALYSIS
SAUGET, ST. CLAIR COUNTY, ILLINOIS
JUNE 5, 2001 TO JUNE 7, 2001

Generator	PDS NO.	Bay Number	Description	IEPA #	Comments
ADM Vitamin E	2235A	1	Hazardous Solids	77	passed flammable
Republic	2219A	1	Hazardous Solids	7	
Republic	2219A	1	Hazardous Solids	8	
RPS	2233A	2	Toxic Solids	78	
ADM Corn Sweetener	2174A	3	Hazardous Solids	25	
Komatsu	2220B	3	Hazardous Solids	37	
Komatsu	2220B	3	Hazardous Solids	29	
Chemetco	2191A	6	Hazardous Solids	47	
Nascote	2242A	13	Hazardous Solids	95	
Nascote	2242A	13	Hazardous Solids	100	
Nascote	2242A	13	Hazardous Solids	99	
Nascote	2242A	13	Hazardous Solids	98	
Nascote	2242A	13	Hazardous Solids	97	
Nascote	2242A	13	Hazardous Solids	96	
Nascote	2242A	13	Hazardous Solids	95	
Nascote	2242A	13	Hazardous Solids	94	
Nascote	2242A	13	Hazardous Solids	93	
Nascote	2242A	13	Hazardous Solids	92	
Nascote	2242A	13	Hazardous Solids	91	
Nascote	2242A	13	Hazardous Solids	89	
Nascote	2242A	13	Hazardous Solids	88	
Nascote	2242A	13	Hazardous Solids	87	
Nascote	2242A	13	Hazardous Solids	86	
Nascote	2242A	13	Hazardous Solids	Over pack	
Nascote	2242A	13	Hazardous Solids	Over pack	
Nascote	2242A	13	Hazardous Solids	Over pack	
Nascote	2242A	13	Hazardous Solids	Over pack	
Nascote	2242A	13	Hazardous Solids	Over pack	

Table 4-9 (Continued)

DRUM DOCK BUILDING INVENTORY - DRUM CONTAINER SURVEY
CLAYTON CHEMICAL SITE ANALYSIS
SAUGET, ST. CLAIR COUNTY, ILLINOIS
JUNE 5, 2001 TO JUNE 7, 2001

Generator	PDS NO.	Bay Number	Description	IEPA #	Comments
CIPS	1114A	13	Non Haz Ethylene Glycol	110	
CIPS	1114A	13	Non Haz Ethylene Glycol	109	
CIPS	1114A	13	Non Haz Ethylene Glycol	108	
CIPS	1114A	13	Non Haz Ethylene Glycol	107	
CIPS	1114A	13	Non Haz Ethylene Glycol	113	
CIPS	1114A	13	Non Haz Ethylene Glycol	114	
CIPS	1114A	13	Non Haz Ethylene Glycol	115	
CIPS	1114A	13	Non Haz Ethylene Glycol	116	
Northrop	1207A	13	Non Haz Ethylene Glycol	112	
ADM Corn Sweetners	1874C	2	Non Haz Semi-Solids	15	
ADM Corn Sweetners	1874C	2	Non Haz Semi-Solids	16	
ADM Corn Sweetners	1874C	2	Non Haz Semi-Solids	17	
ADM Corn Sweetners	1874C	2	Non Haz Semi-Solids	18	
ADM Corn Sweetners	1874C	2	Non Haz Semi-Solids	20	
ADM Corn Sweetners	1619A	3	Non Hazardous Solids	27	
ADM Mechanical	1669D	4	Non Hazardous Solids	43	
Nascote	2243C	7	Non Hazardous Solids	66	
Sligo	1784A	7	Non Hazardous Solids	67	
National Graphics	2033D	3	Non Hazardous Solids	64	
National Graphics	2033B	3	Non Hazardous Solids	65	
National Graphics	2033D	3	Non Hazardous Solids	69	
ADM East	2040A	1	Non Hazardous Solids	6	
ADM Fabrication	1370A	2	Oxidizing Solid	Not found	Not Found
ADM Fabrication	1370A	13	Oxidizing Solid	14	
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	49	PERCHLOR
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	50	PCB
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	51	Maybe extremely haz
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	52	

Table 4-9 (Continued)

DRUM DOCK BUILDING INVENTORY - DRUM CONTAINER SURVEY
CLAYTON CHEMICAL SITE ANALYSIS
SAUGET, ST. CLAIR COUNTY, ILLINOIS
JUNE 5, 2001 TO JUNE 7, 2001

Generator	PDS NO.	Bay Number	Description	IEPA #	Comments
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	58	
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	59	PCE
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	60	
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	61	
RRG Internal	Internal	6	Perc Solids from Reclaim/Consol	62	
St Louis Parks	633B	4	Soap Water	41	
National Graphics	2032A	13	Sodium Hydroxide	11	
Petrolite	2119A	13	Sodium Hydroxide	30	
ADM Fabrication	1367D	13	Sodium Nitrate	23	
RRG	not labeled	3	Waste Solids	no label	
RRG	not labeled	3	Flammable	no label	
RRG	not labeled	3	Waste Solids	no label	
Label Scratched	Can't Read	3	Hazardous Solid	no label	
RRG	not labeled	6	Sludge Accumilation	48	not labeled
National Graphics	2032B	6	Nitric Acid	63	5 gallon bucket
National Graphics	2032D	7	Non Hazardous Liquid	68	
Generator Unknown	2070A	8	Flammable Liquid	no label	
RRG	not labeled	south room	Flammable Liquid	122	5 gallon bucket
RRG	not labeled	south room	Floor Dry	121	1 gallon
ADM Fabrication	1367B	13	Caustic Soda	4	1 gallon
National Graphics	2032A	13	Sodium Hydroxide	12	
RRG	1279A	collection area	Sampling Jars	Not found	Collection Area
RRG	NA	see comments	Approximately 2,536 Sampling Jars in boxes and jars	Not found	Located on southwest/southeast wall.

Key PDS NO = A number found on the drums and corresponds to RRG weekly drum inventory

Table 4-11

BOILER GARAGE BUILDING INVENTORY - TANK, DRUM, CONTAINER SURVEY
CLAYTON CHEMICAL SITE ANALYSIS
SAUGET, ST. CLAIR COUNTY, ILLINOIS
JUNE 5, 2001 TO JUNE 7, 2001

TYPE OF MATERIAL	NUMBER OF ITEMS	Comments
Unknown Solid	1	5 gallons
Miscellaneous Boiler Chemicals	1	35 gallons
Miscellaneous Boiler Chemicals	1	55 gallons
Fiber Drum Solid Desicate	1	35 gallons
Drum of Sodium Hexamethphospahte	1	35 gallons
Boiler Feed Water Treatment	1	20 gallons
Lube Oil Dispenser	1	Unknown
Bags Water Softener Salt	25	Bags
Oxygen Scavenger Corrsive	1	20 gallons
Mole Serve	13 Drums	All Full
Sodium Bisulfate	1	liquid
Isopropanol	1	3/4 full UN1219
Morpholine	1	drum
Spent Carbon	6	used for absorption
Caustic Substances	35	in plastic buckets. In over-pack. For cleaning
10% Sulfuric Acid	1	drum
Rohinol N-10	1	Non-Haz
Amonium Hydroxide	1	drum
Dry Solids	1	drum
Oakite boiler treatment	1	appears to be leaking - busted
Uknown	1	could not open/possible hazardous No markings
Caustic Substances	3	in plastic buckets. In over-pack. For cleaning
Boiler treatment	2	5 gallons. Half full
Colling tower treatment	1	5 gallons

Exhibit B

DRUMS								PAGE 1
STORAGE AREA	WASTE DESCRIPTION	QUANTITY	UNIT COST	METHOD OF TREATMENT		COST	REMARKS	
Drum Building	Acids & Alkalies	25	$250.00	Aqueous Treatment		$6,250.00		
Drum Building	Hazardous D, F Codes	48	$210.00	Fuel Blending/BIF Fuels		$10,080.00		
Drum Building	Non-Hazardous	34	$200.00	Fuel Blending/Subtitle D		$6,800.00		
Drum Building	Mercury (Hg)	1	$460.00	Recovery		$460.00		
Drum Building	Oxidizer	1	$250.00	Reduction		$250.00		
Drum Building	Perchloroethylene	11	$250.00	Reclamation		$2,750.00		
Lab	Sample Compilations	1	$500.00	Incineration		$500.00		
		121				$27,090.00		
Drum Transportation						$3,000.00		
SUBTOTAL						$30,090.00	Average cost per drum-$248.68	
BULK LIQUIDS (Hazardous)								
T-RC	Blended Fuels	7,140	$1.75	Incineration		$12,495.00	Low BTU; High Water	
T-52	Blended Fuels	3,483	$1.75	Incineration		$6,095.25	High %Cl	
T-51	D001 Wastewater	6,433	$1.75	Incineration		$11,257.75	High Water	
T-46	Dilute Perchloroethylene	1,392	$1.75	Incineration		$2,436.00	Low BTU; High %Cl	
S-1	F002 Wastewater	8,793	$1.75	Incineration		$15,387.75	No BTU; High Water	
S-2	D001 Wastewater	9,206	$1.75	Incineration		$16,110.50	No BTU; High Water	
S-3	MEK	4,308	$0.45	BIF fuels		$1,937.70	High BTU; Low Water	
S-4	D001 Wastewater	7,908	$1.75	Incineration		$13,839.00	Low BTU; High Water	
S-8	Dilute Perchloroethylene	3,800	$1.75	Incineration		$6,650.00	High %Cl	
SUBTOTAL		52,461				$86,208.95		
BULK LIQUIDS (Non Hazardous)								
S-5	Oil/Water	9,029	$0.38	Separation/Stripping		$3,431.02		
T-11	Oil/Water	22,747	$0.38	Separation/Stripping		$8,643.86		
T-12	Oil/Water	26,394	$0.38	Separation/Stripping		$10,029.72		
T-13	Oil/Water	26,247	$0.38	Separation/Stripping		$9,973.86		
T-14	Oil/Water	22,976	$0.38	Separation/Stripping		$8,730.88		
T-33	Oil/Water	4,537	$0.38	Separation/Stripping		$1,724.06		
T-37	Oil/Water	5,625	$0.38	Separation/Stripping		$2,137.50		
T-17	Oil/Water	5,437	$0.38	Separation/Stripping		$2,066.06		
T-41	Oil/Water	5,397	$0.38	Separation/Stripping		$2,050.86		

STORAGE AREA	WASTE DESCRIPTION	QUANTITY	UNIT COST	METHOD OF TREATMENT		COST	REMARKS	PAGE 2
T-45	Oil/Water	1,536	$0.38	Separation/Stripping		$583.68		
T-46	Oil/Water	2,754	$0.38	Separation/Stripping		$1,046.52		
T-44	Oil/Water	5,256	$0.38	Separation/Stripping		$1,997.28		
B-1	Oil/Water	16,638	$0.38	Separation/Stripping		$6,322.44		
B-2	Oil/Water	15,576	$0.38	Separation/Stripping		$5,918.88		
B-4	Oil/Water	16,402	$0.38	Separation/Stripping		$6,232.76		
G-2	Oil/Water	32,144	$0.38	Separation/Stripping		$12,214.72		
G-3	Oil/Water	241,200	$0.38	Separation/Stripping		$91,656.00		
G-4	Crude Oil	70,300	$1.43	Landfill Disposal		$100,529.00	Very Thick Material	
G-5	Oil/Water	169,760	$0.38	Separation/Stripping		$64,508.80		
G-6	Oil/Water	19,118	$0.38	Separation/Stripping		$7,264.08		
G-7	Oil/Water	18,408	$0.38	Separation/Stripping		$6,995.04		
G-8	Oil/Water	20,886	$0.38	Separation/Stripping		$7,936.68		
G-9	Oil/Water	16,933	$0.38	Separation/Stripping		$6,434.54		
G-10	Oil/Water	21,535	$0.38	Separation/Stripping		$8,183.30		
G-11	Oil/Water	23,452	$0.38	Separation/Stripping		$8,911.76	All contents (23,452 gallons)	
							transferred to G-5 to mitigate	
							leak on 9/1/98.	
SUBTOTAL		820,285				$385,523.30		
				Additional Equip.		$31,000.00		
				Laboratory Expens.		$5,000.00		
				Sludges		$75,000.00		
				Consumables		$5,000.00		
				PROJECT TOTAL		$617,822.25		

EXHIBIT C

POTENTIAL PRPs

- G. M. & O. Railroad (Maintenance Yard) (1950s)
- Still Bottom Disposal Pit (1961-1980)
- Clayton Chemical (1980-1996)
- Resource Recovery Group (1996-1998)
- Environmental Operations, Inc., St. Louis, MO (Owner)
- Specialty Waste Services, Inc., Alton, IL (Owner)
- Mr. Hopson - Owner
- Mr. Hilse - Owner
- Mr. T. Hippensteel – Owner
- Mr. D. Wrobel – Owner
- Mr. G. Snider – Owner
- Mr. L. Stock – Owner
- Environmental Waste Services, Aurora, IL
- Emerald Environmental (Purchased Clayton – 1993)
- Village of Sauget, IL (Deed Property)
- Ozinga Transport
- Clark Oil Refining, IL
- Philips Pipe Line, St. Louis
- Monsanto Chemical
- Enclean Transport
- Schiber Truck
- Northeast Chemical (Purchased Clayton – 1991)
- Pipeline Cleaners, Kansas City
- Texas Pharmaceutical
- Over 1000 Small Quantity Generators Transported Waste to the Site

Clayton Chemical Co.

Invoice# 17631

Broker: EWS

CERTIFICATE OF RESOURCE RECOVERY

This certificate is to verify that the wastes and all containers specified on

Manifest # 6648468,

received from LYON METAL PRODUCTS, INC.,

on 11/01/95, have been recycled to the extent

practicable by:

CLAYTON CHEMICAL COMPANY

#1 Mobile Street

Sauget, IL 62201

and that all residuals of recycling have been properly disposed of in

accordance with all federal, state, and local hazardous waste regulations.

Signed: James Hancy

Title: Director of Administration

Date: 3·21·94.

1 Mobile Street, Sauget, Illinois 62201-1069 • Telephone (618) 271-0467 • FAX (618) 271-9521

EXHIBIT

EMERALD ENVIRONMENTAL

721.Appendix J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.Appendix Y Table to Section 721.138
721.Appendix Z Table to Section 721.102

AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

a) This Part identifies those solid wastes which are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728, and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.). In this Part:
   1) Subpart A defines the terms "solid waste" and "hazardous waste," identifies those wastes which are excluded from regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.
   2) Subpart B sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
   3) Subpart C identifies characteristics of hazardous wastes.
   4) Subpart D lists particular hazardous wastes.

b) Limitations on definition of solid waste:
   1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.
   2) This Part identifies only some of the materials which are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material which is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.

c) For the purposes of Sections 721.102 and 721.106:
   1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
   2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.
   3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.
   4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.
   5) A material is "used or reused" if it is either:
      A) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this

ıste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain
ıe reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this
s the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.
ıtity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section,
subject to full regulation.
ılly exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill.
39 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing,
ther treatment is also so regulated if it is destined to be burned for energy recovery.

at 23 Ill. Reg. 1718, effective January 19, 1999)

Requirements for Recyclable Materials

ıterials:
ıs wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of
ns (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section.
s wastes that are recycled will be known as "recyclable materials".
wing recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm.
.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
/clable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
ırdous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill.
ı. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H);
'clable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
t lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
wing recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702,
)5 and are not subject to the notification requirements of section 3010 of the Resource Conservation and
Act:
ıstrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as
fied in 35 Ill. Adm. Code 722.158:
A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the
shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153;
722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the
receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in 35 Ill. Adm.
Code 722.Subpart E; and shall provide a copy of the USEPA Acknowledgment of Consent to the shipment to the
transporter transporting the shipment for export;
Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the
shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA
Acknowledgement of Consent accompanies the shipment, and shall ensure that it is delivered to the facility
designated by the person initiating the shipment;
ı metal that is not excluded under Section 721.104(a)(13);
produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum
ng facility if such wastes result from normal petroleum refining, production, and transportation practices (this
ption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such
ered oil is already excluded under Section 721.104(a)(12));
leum refining wastes.
Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or
ransportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous
vastes are reintroduced into a process that does not use distillation or does not produce products from crude oil,
o long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 and so long as no
ıther hazardous wastes are used to produce the hazardous waste fuel;
Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and
ransportation practices, where such hazardous wastes are reintroduced into a refining process after a point at
vhich contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm.
Code 739.111; and
)il reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation
ıractices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the
eclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.
at is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to
ments of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is
cludes any used oil that is reused for any purpose following its original use (including the purpose for which the
ginally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy
r reprocessed.
waste that is exported to or imported from designated member countries of the Organization for Economic
n and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the

Environmental
WASTE SERVICES, INC

September 15, 1997

Robert Gibbons
LYON METAL PRODUCTS
P.O. Box 671
Aurora, IL 60507-0671

Dear Mr. Gibbons:

In response to our phone conversation on September 11, I would like to confirm that the still bottoms generated from the distillation process are sent to a cement kiln as a fuel. Resource Recovery Group will take all of Lyon Metal Products' liquid solvent waste and transfer the solvent into a bulk tank. The solvent is recycled into a reclaimed solvent stream and dirty still bottoms. The reclaimed solvent is sent back to Lyon Metal Products for reuse. The still bottoms are blended into a fuel for the cement kiln. The blended fuel is sent to the cement kiln as Resource Recovery Group's waste.

If you need additional information, please give me a call.

Sincerely,

Sam Erwin

CLAYTON CHEMICAL SITE
(SOIL REMOVAL)

PARTIES WITH VOLUMES GREATER THAN 75,000 GALLONS RECEIVING U.S. EPA GENERAL NOTICE LETTER DATED NOVEMBER 22, 2004

Tab Number	Company Name	Volume
1	0000000000	96,862
2	A-1 Oil Corporation	759,597
3	AAD Distribution And Dry Cleaning Services, Inc	267,637
4	Afton Chemical Corporation	119,453
5	Allied Healthcare Products, Inc.	83,614
6	American Recreation Products, Inc.	111,151
7	Arris International, Inc.	93,542
8	Baker Petrolite Corporation	107,699
9	Bemis Company, Inc.	114,370
10	Bliss Waste Oil Company	900,047
11	Boben Manufacturing Company	283,855
12	Central Illinois Public Service Company	167,573
13	Cerro Flow Products, Inc.	274,422
14	Chemisphere Corporation	103,364
15	Chicago Drum, Inc.	152,447
16	Coleman Chemical, Inc.	195,946
17	Conopco, Inc.	76,538
18	Container Products, Inc.	85,577
19	Crown Beverage Packaging, Inc.	81,620
20	Curwood, Inc.	98,710
21	DaimlerChrysler Corporation	742,727
22	Diosynth, Inc.	222,653
23	DJR Holdings, Inc.	75,776
24	Don V. Davis Company	99,956
25	ExxonMobil Oil Corporation	161,975
26	Ford Motor Company	1,136,786
27	Hussman Corporation	449,032
28	Imperial Home Decor Group, Inc.	103,178
29	INX International Ink Company	134,821
30	Keystone Consolidated Industries, Inc.	128,603
31	Koch Industries, Inc.	118,044
32	Lear Corporation	719,202
33	Lincoln Industrial Corporation	75,017
34	Lyon Metal Products, L.L.C.	161,625
35	Lyon Workspace Products, LLC	89,190
36	Mallinckrodt Inc.	973,817
37	Marchem Corporation	101,273
38	Mcintyre Group, Ltd.	187,071
39	Metal Container Corporation	84,906
40	Mitsubishi Motors North America, Inc.	92,505
41	Monsanto Company	208,803
42	Nascote Industries, Inc.	1,925,386
43	National Coatings Inc	370,155
44	Nordenia U.S.A., Inc.	85,504
45	Norfolk Southern Railway Company	194,264
46	North East Recycling Transportation, Inc.	262,207
47	Olin Corporation	241,835
48	Penn Aluminum International, Inc.	124,365

Section 5 - Generators, Quantitative Data for Period of 1979-98

Generator Name	Total	Street	City	State	Zip
NASCOTE INDUSTRIES Total	1,925,386	18310 ENTERPRISE AVE	NASHVILLE	IL	62263
FORD MOTOR CO Total	1,136,786	6250 N LINDBERGH BLVD	HAZELWOOD	MO	63042
SIGMA CHEMICAL Total	979,617	P.O. BOX 14508	ST LOUIS	MO	63178
MALLINCKRODT COMPANY INC Total	973,817	675 MCDONNELL BLVD	HAZELWOOD	MO	63042
BLISS WASTE OIL Total	900,047	149 STRECKER RD	BALLWIN	MO	63011
A-1 OIL CORP Total	759,597	149 STRECKER RD	BALLWIN	MO	63011
LEAR CORP IOWA CITY PLANT Total	719,202	2500 HIGHWAY 6 EAST	IOWA CITY	IA	52240
US PAINT CORP Total	586,092	831 S 21ST ST	ST LOUIS	MO	63103
SUPERIOR EQUIP CO Total	513,175	3283 IVANHOE AVE	ST LOUIS	MO	63139
STERLING LACQUER CO Total	507,952	3150 BRANNON AVE	ST LOUIS	MO	63139
PURETHANE INC Total	463,210	1 PURETHANE PLACE	WEST BRANCH	IA	52358
HUSSMANN CORP Total	449,032	12999 ST CHARLES ROCK RD	BRIDGETON	MO	63155
SWAN CORP Total	439,400	CENTRALIA INDUSTRIAL PARK	CENTRALIA	IL	62801
UOP INC Total	409,832	8400 JOLIET RD	MCCOOK	IL	60525
PRECOAT METALS Total	394,077	4301 S SPRING AVE	ST LOUIS	MO	63116
NATIONAL COATINGS INC Total	370,155	604 RTE 150 E	GALESBURG	IL	614021314
BOBEN MFG Total	283,855	BOONVILLE INDUSTRIAL PARK	BOONVILLE	MO	65233
CERRO COPPER PROD CO Total	274,422	3000 MISSISSIPPI & RTE 3	SAUGET	IL	62206
AAD DISTRIBUTION AND DRY CLEANING Total	267,637	2306 E. 38TH ST.	LOS ANGELES	CA	90058
NORTH EAST RECYCLING TRANS INC Total	262,207	3301 MONROE AVE	CLEVELAND	OH	44113
CHRYSLER CORP Total	256,358	1000 CHRYSLER DRIVE	AUBURN HILLS	MI	48326
LYON METAL Total	250,815	1701 KENTUCKY ST	MICHIGAN CITY	IN	46360
TEVA PHARMACEUTICAL USA, INC Total	249,419	5000 SNYDER DR	MEXICO	MO	65265
OLIN CORP Total	241,835	427 N SHAMROCK ST	EAST ALTON	IL	620241197
DIOSYNTH INC Total	222,653	2136 S. WOLF RD	DES PLAINES	IL	60018
MONSANTO CO Total	208,803	800 N LINDBERGH BLVD	ST LOUIS	MO	63167
COLEMAN CHEMICAL & OIL Total	195,946	75 SANGER ST	PEORIA	IL	61602
NORFOLK SOUTHERN RAILWAY CO Total	194,264	3 COMMERCIAL PLACE, 17TH FLOOR	NORFOLK	VA	23510
MCINTYRE GROUP Total	187,071	24601 GOVERNORS HWY	UNIVERSITY PARK	IL	60466
AMEREN CIPS Total	167,573	1901 CHOUTEAU	ST LOUIS	MO	66149
MOBIL OIL CORP Total	164,083	5959 LAS COLINAS BLVD	IRVING	TX	75039
THEMEC CO INC Total	159,112	6800 CORPORATE DRIVE	KANSAS CITY	MO	64120
ACME BARREL COMPANY Total	152,447	2300 WEST 13TH STREET	CHICAGO	IL	60608
RILEY BROTHERS COMPANY Total	145,764	108 WASHINGTON ST	BURLINGTON	IA	56201
UNIVERSAL PACKAGING CORP Total	144,690	4455 TABLE MOUNTAIN DRIVE	GOLDEN	CO	80403
TITAN WHEEL CORP OF ILLINOIS Total	141,420	2701 SPRUCE ST	QUINCY	IL	62301
WALKER MIDSTREAM FUEL Total	138,380	532 S 2ND ST	PADUCAH	KY	42001
SILGAN CONTAINER CORP Total	136,154	21800 OXNARD ST, SUITE 800	WOODLAND HILLS	CA	91367

REFER TO SECTION 1 FOR REPORT DESCRIPTION

Lyon Metal Waste Disposal Manifest Summary of Material Shipped to Clayton Chemical (1995 - 1997)					
Illinois Manifest Number	Quantity of Containers (Drums)	Total Quantity (Gallons)	Generator Signature Date	Facility Signature Date	
6385025	24	1,320	1/10/1995	1/16/1995	
6385085	72	3,960	1/30/1995	2/2/1995	
6385113	10	550	2/9/1995	2/10/1995	
6385175	77	4,235	3/7/1995	3/8/1995	
6385213	49	26,950	3/27/1995	4/3/1995	Gallons quantity appear to be off by a factor of 10
6385258	28	1,540	3/31/1995	4/3/1995	
6385311	28	1,540	4/12/1995	4/17/1995	
6385312	13	715	4/13/1995	4/18/1995	
6385365	80	4,400	4/26/1995	5/4/1995	
6385427	64	3,520	5/17/1995	5/18/1995	
6385474	23	1,265	5/25/1995	6/13/1995	
6648014	25	1,375	6/9/1995	6/13/1995	
6648007	66	3,630	6/16/1995	6/21/1995	
6648127	71	3,905	7/6/1995	7/12/1995	
6648172	78	4,290	7/18/1995	7/20/1995	
6648225	30	1,650	7/31/1995	8/2/1995	
6648251	66	3,630	8/8/1995	8/15/1995	
6648306	68	3,400	8/24/1995	8/25/1995	
6648362	70	3,500	9/6/1995	9/7/1995	
6648401	30	1,650	9/19/1995	9/21/1995	
6647402	30	1,650	9/20/1995	9/21/1995	
6648442	30	1,650	10/2/1995	10/5/1995	
6648460	30	1,650	10/3/1995	10/5/1995	
6706507	81	4,455	10/20/1995	10/23/1995	
6648468	28	1,540	11/1/1995	11/3/1995	
6706549	20	1,100	11/2/1995	11/3/1995	
6706613	30	1,650	11/15/1995	11/20/1995	
6706645	30	1,650	11/28/1995	11/30/1995	
6706652	18	990	11/29/1995	11/30/1995	
6706766	60	3,300	1/5/1996	1/16/1996	
6706800	51	2,805	1/19/1996	1/23/1996	
6706798	30	1,650	1/31/1996	2/1/1996	
6706761	30	1,650	2/9/1996	2/20/1996	
6706921	60	3,300	3/1/1996	3/5/1996	
6706997	83	4,565	3/22/1996	3/28/1996	
6779571	60	3,300	4/17/1996	4/25/1996	
6779622	28	1,540	5/1/1996	5/3/1996	
6779678	70	3,850	5/15/1996	5/16/1996	
6779739	82	4,510	6/5/1996	6/6/1996	
6779812	36	1,980	6/26/1996	6/27/1996	
6779856	52	2,860	7/30/1996	7/30/1996	
6779949	60	3,660	8/13/1996	8/14/1996	
6779995	76	4,180	8/30/1996	9/5/1996	
7256555	36	1,980	9/18/1996	9/26/1996	
7256611	60	3,300	10/2/1996	10/10/1996	
7256612	24	1,320	10/7/1996	10/10/1996	
7256641	70	3,350	10/17/1996	10/24/1996	
7256694	30	1,650	11/7/1996	11/8/1996	
7256672	91	5,705	11/15/1996	12/3/1996	
7256697	80	4,400	12/16/1996	12/23/1996	
7256727	30	1,650	1/3/1997	1/8/1997	
7256734	50	2,860	1/24/1997	2/13/1997	
7256741	24	1,320	2/11/1997	2/13/1997	
7256745	80	4,400	2/25/1997	3/6/1997	
7256760	49	1,249	4/2/1997	4/3/1997	
7256777	36	1,980	4/24/1997	4/25/1997	
7256787	58	3,074	5/19/1997	5/21/1997	
7256814	44	2,332	6/9/1997	6/10/1997	
7256817	73	3,869	7/2/1997	7/10/1997	
7256864	36	1,908	7/23/1997	7/24/1997	
7256896	61	3,233	8/7/1997	8/13/1997	
7256991	51	2,805	8 29/1997	9/4/1997	
1995 Totals	1,269	93,360			
1996 Totals	1,169	64,855			
1997 Totals	592	30,680			
Grand Total	3,030	188,895			
Totals with Manifest Number 6385213 corrected by reducing the gallons total by a factor of ten					
1995 Totals	1,269	69,060			
1996 Totals	1,169	64,855			
1997 Totals	592	30,680			
Grand Total	3,030	164,595			